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SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

No. 75-1064

JACK B. KREMENS, Individually and as Hospital Director of Haverford State Hospital; FRANK BEAL, Individually and as Secretary of Public Welfare of the Commonwealth of Pennsylvania; WILLIAM B. BEACH, JR., Individually and as Deputy Secretary of Mental Health and Mental Retardation of the Department of Public Welfare of the Commonwealth of Pennsylvania,

Appellants

v.

KEVIN BARTLEY; STEVE GENTILE; LESLIE LEVINE; VICKI MATHEWS; MARK WEAND, Minors, Through Their Next Friend, Individually and on Behalf of All Others Similarly Situated,

Appellees

On Appeal From the Judgment of the United States District Court for the Eastern District of Pennsylvania

RESPONSE TO PETITION OF SUPREME COURT OF PENNSYLVANIA FOR RECONSIDERATION OF THIS COURT'S DENIAL OF LEAVE TO FILE BRIEF AMICUS CURIAE

1. The Court properly denied leave to the Supreme Court of Pennsylvania to file a brief amicus curiae in this matter. The petitioner's motion for reconsideration contains no new grounds, facts or intervening circumstances in support of its request.

2. The Supreme Court of Pennsylvania again seeks leave to file a brief, describing itself as speaking "only in its constitutionally mandated position

10

as supervisor and administrator of Pennsylvania's unified judicial system," Petition at 2, citing Article V, Section 10 of the Pennsylvania Constitution (reproduced at Appendix A of Petition). That constitutional provision, however, confers no authority on the Pennsylvania Supreme Court to speak for all state courts, make policy decisions for them or to participate in any manner in any litigation.

3. The interests of the Pennsylvania courts are fully and competently represented by the Attorney General of Pennsylvania whose brief argues and supports without qualification the very claims sought to be raised by the proposed amicus brief.

4. Permitting the filing of an amicus brief by a state's high court would establish a precedent for similar action whenever any court in the nation desires to comment on an issue before this Court.

5. Rule 42(4) provides no support for the filing of this amicus brief. The Supreme Court of Pennsylvania is neither a "State, Territory or Commonwealth" nor a "political subdivision" thereof.

6. Neither the rules of this Court nor the interests of justice warrant a reconsideration of this Court's decision in this matter.

WHEREFORE, it is respectfully submitted that the petition for reconsideration should be denied.

Respectfully submitted,

DAVID FERLEGER
Counsel for Appellees

2321 Sansom Street
Philadelphia, Pa. 19103